

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

MICHAEL COLEMAN,

SUMMONS IN A CIVIL ACTION

V.

BRIAN FISCHER, et al.

CASE NUMBER:

TO: (Name and address of Defendant)

Anthony J. Annucci  
N.Y.S. Department of Correctional Services  
State Campus Building, #2  
Albany, NY

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Emery Celli Brinckerhoff & Abady LLP  
75 Rockefeller Plaza, 20th Floor  
New York, NY 10019

an answer to the complaint which is served on you with this summons, within -20- days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

CLERK

DATE

APR 25 2008

(By) DEPUTY CLERK

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**RETURN OF SERVICE**

Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE
NAME OF SERVER ( <i>PRINT</i> )	TITLE

*Check one box below to indicate appropriate method of service*

- ☐ Served personally upon the defendant. Place where served:
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  
Name of person with whom the summons and complaint were left:
- ☐ Returned unexecuted:
- ☐ Other (specify):

**STATEMENT OF SERVICE FEES**

TRAVEL	SERVICES	TOTAL \$0.00
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**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on \_\_\_\_\_  
Date

\_\_\_\_\_  
*Signature of Server*

\_\_\_\_\_  
*Address of Server*

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES SOUTHERN DIST. COURT - NEW YORK COUNTY

**MICHAEL COLEMAN,**  
PLAINTIFF

-- vs. --

**BRIAN FISCHER, ET AL,**  
DEFENDANT

Index No: **07-cv-7790 (SAS)**  
Date Filed: / /  
Office No:  
Court Date:

STATE OF NEW YORK COUNTY OF NEW YORK :SS:

**STEVEN AVERY** being duly sworn, deposes and says;

I AM OVER THE AGE OF 18 YEARS AND RESIDE IN THE STATE OF NEW YORK.

Deponent served the **SUMMONS AMENDED COMPLAINT JUDGES RULES** upon the **DEFENDANT ANTHONY J ANNUCCI** on **05/08/2008** at **10:10AM** at **1220 WASHINGTON AVE State Campus Bldg #2, ALBANY, NY 12226** actual place of business of the **DEFENDANT** by delivering thereat a true copy to **HERMAN RHEINHOLD ESQ., CO-WORKER OF THE DEFENDANT**, a person of suitable age and discretion whose approximate description is as follows:

SEX: **MALE**

COLOR: **WHITE**

HAIR: **BROWN**

APP. AGE: **45**

APP. HT: **6'2**

APP. WT: **220**

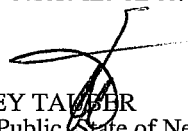
OTHER IDENTIFYING FEATURES:

Deponent also mailed a copy of same in an official depository under the exclusive care and custody of the United States Post Office Department within New York State on **05/14/2008** by first class mail to:

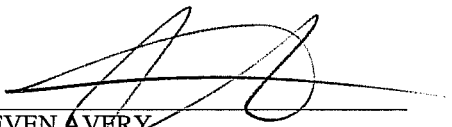
**ANTHONY J ANNUCCI**  
**1220 WASHINGTON AVE State Campus Bldg #2, ALBANY, NY 12226**

That address being **actual place of business of the DEFENDANT**, in an envelope bearing the legend "PERSONAL AND CONFIDENTIAL", and not indicating on the outside thereof, by return address or otherwise that said notice is from an attorney or concerns an action against the person served.

Sworn to before me on **05/14/2008**.



**HARVEY TAUBER**  
Notary Public, State of New York  
No. 01TA4667012  
Qualified in **BRONX**  
Commission Expires 12/31/2010



**STEVEN AVERY**  
AAA ATTORNEY SERVICE CO. OF NY, INC.  
20 VESEY ST., ROOM 1110  
NEW YORK, NY 10007  
AP